1942. K File No. O Enhance Penalties 142

Legal Deptl-

A. BRANCH

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Subject:— Opinions under the Penalties (Enhancement) ordinance 1942

File No. O. Enhance Penalties 142

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C O N T E N T S.

Legal Department Vol.No.O.Enhance Penalties/1942.

S.No.	Compilation No.	Subject.	Pages.
		Opinions under the Penalties (Enhancement) Ordinance,1942.	
	O.Enhanced Penalties 1942.		
1.	O.No.9737/4-12-42	Question whether under the Penalties (Enhancement) Ordinance, 1942, Government can move the High Court for enhancement of the sentence.	
		Sections 3 to 7 of the Penalties (Enhancement) Ordinance,1942.	3-4.

Office of the R.L.A.

The question for the consideration of the R.L.A. is whether under the Penalties (Enhancement) Ordinance, 1942, Government can move the High Court for the enhancement of the sentence.

Sections 3 and to 7 of the Penalties (Enhancement) Ordinance, 1942 prescribe punishment for certain offences specified therein, higher than that prescribed for them under the Indian Penal Code; but there is nothing in it to preclude either the appellate or the revisional powers of the High Court. Consequently the revisional powers of the High Court under section 439, Criminal Procedure Code remain unaffected by the Penalties (Enhancement) Ordinance and Government can move the High Court, for enhancement of the sentence passed by a subordinate court for offences falling under any of the provisions of sections 3 to 7 of that Ordinance. The view taken by the Secretary, Home Department is correct.

Sd./- P.N.M.
4/12/
Remembrancer of Legal Affairs.

U.R. to H.D., No. 9787; dated the 4th December 1942.

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